

10/790,52000AB072A**REMARKS**

Claims 1-17 are currently pending in the subject application and are presently under consideration. Claims 1 and 14 have been amended to further emphasize novel aspects of the invention and to correct minor informalities. Claims 8 and 9 have been amended to correct minor informalities. A listing of claims can be found on pg. 4-6. In addition, the specification has been amended as indicated on pg. 2-3. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-17 Under 35 U.S.C. §102(e)**

Claims 1-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Johnson *et al.* (US 2002/0041238 A1). It is requested that this rejection should be withdrawn for at least the following reasons. Johnson *et al.* does not disclose or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Applicant's claimed invention relates to creating and sending a pager message from a communications device to a remote device via a communications medium, according to a control condition in a control device which triggers pager message construction and transmission. (See pg. 10, ll. 1-4). In particular, independent claims 1 and 14, as amended, as well as independent claim 7, recite a similar limitation: a processor that *associates a data variable with the trigger condition*. Johnson *et al.* does not disclose or suggest this particular novel feature of the invention as claimed.

Johnson *et al.* describes a bi-directional pager communications system for monitoring remote stations. Each remote station includes monitoring hardware, data storage to collect and record data received by the monitor, and a pager to transmit the

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data to a user. (*See Abstract*). Johnson *et al.* apparently discloses the transmission, receipt, storage, and formatting of data. (*See paragraphs 0058-0060*). However, Johnson *et al.* does not associate a data variable with a trigger condition and therefore does not disclose this novel aspect of the claimed invention. In addition, applicant's representative notes that the Examiner has failed to address this aspect of the claimed invention with respect to independent claim 7.

In view of at least the foregoing, it is readily apparent that Johnson *et al.* does not disclose or suggest the invention as recited in independent claims 1, 7, and 14 (and associated dependent claims 2-6, 8-13, and 15-17). Accordingly, it is believed that the subject claims are in condition for allowance and that this rejection should be withdrawn.

#### CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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